

AMENDED IN SENATE MAY 14, 2003

AMENDED IN SENATE APRIL 8, 2003

## SENATE BILL

**No. 151**

### **Introduced by Senator Burton**

**(Coauthors: Senators Aanestad, Kuehl, and Torlakson)**

(Coauthors: Assembly Members Berg, Canciamilla, Cohn, Dymally,  
Leno, and Lowenthal)

February 7, 2003

---

~~An act to amend Section 11165 of, and to amend, repeal, and add Sections 11164, 11165.1, and 11167 of, and to amend and repeal Sections 11161, 11162.5, 11167.5, and 11169 of, An act to amend Sections 11165.1 and 11166 of, to amend and repeal Sections 11159.2, 11162, 11168, and 11169 of, to amend, repeal, and add Sections 11161, 11164, 11165, 11167, and 11167.5 of, and to add Sections 11029.5, 11161.5, 11161.7, and 11162.1, and 11162.5 to, the Health and Safety Code, relating to controlled substances.~~

#### LEGISLATIVE COUNSEL'S DIGEST

SB 151, as amended, Burton. Controlled substances: Schedule II.

Existing law provides that no person shall prescribe a controlled substance, nor shall any person fill, compound, or dispense such a prescription unless it complies with specified requirements, one of which is that prescriptions for Schedule II controlled substances shall be prepared ~~in triplicate~~ *on triplicate prescription blanks issued by the Department of Justice*. Existing law also provides for the electronic monitoring of the prescribing and dispensing of Schedule II controlled substances pursuant to the Controlled Substance Utilization Review and Evaluation System (CURES) program, as specified. The CURES

program is scheduled to become inoperative on July 1, 2008, and repealed on January 1, 2009. Existing law provides that a violation of any of these provisions is generally a misdemeanor.

This bill, *the Treatment and Drug Diversion Prevention Act of 2003*, would, on and after July 1, 2004, eliminate the triplicate prescription requirement for Schedule II controlled substances; *and would, on and after January 1, 2005, require prescribers of Schedule II controlled substances to meet the same prescription requirements imposed with respect to other prescribable controlled substances, and as specified.* *The bill would on and after January 1, 2005, require prescriptions for any controlled substance to be issued on a secure forgery-resistant prescription paper. The prescription paper and vendor producing that paper would have to meet specified criteria established by the appropriate state board controlled substance prescription forms obtained from a security printer approved by the Board of Pharmacy, as specified. Between July 1, 2004, and January 1, 2005, these prescriptions would be permitted using either the triplicate form or the security forms. The bill would make the CURES program applicable to Schedule III drugs if there is adequate funding and would also provide for the indefinite continuation of the CURES program by deleting its repeal date. The bill would make it a crime to counterfeit a controlled substance prescription; knowingly possess a counterfeited controlled substance prescription; or obtain under false pretences, or fraudulently produce, a controlled substance prescription, as specified. By creating new crimes, the bill would impose a state-mandated local program.*

*The bill would also revise provisions relating to electronically transmitted prescriptions and would add provisions authorizing pharmacies to dispense certain prescriptions from out-of-state prescribers, as specified. The bill would make conforming changes to related provisions. By creating new crimes the bill would impose a state-mandated local program upon local government.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1.—It is the intent of the Legislature in enacting this~~  
2 ~~act that the requirement of Chapter 4 (commencing with Section~~  
3 ~~11150) of Division 10 of the Health and Safety Code that~~  
4 ~~prescriptions for controlled substances classified in Schedule II~~  
5 ~~shall be prepared in triplicate shall, on and after July 1, 2004, be~~  
6 ~~replaced by the requirement that prescriptions for controlled~~  
7 ~~substances classified in Schedule II, III, IV, and V shall be~~  
8 ~~prepared on secure forgery resistant prescription paper.~~

9     ~~SEC. 2.—Section 11161 of the Health and Safety Code is~~  
10 ~~amended to read:~~

11     ~~11161. (a) Prescription blanks shall be issued by the~~  
12 ~~Department of Justice in serially numbered groups of not more~~  
13 ~~than 100 forms each in triplicate unless a practitioner orally,~~  
14 ~~electronically, or in writing requests a larger amount, and shall be~~  
15 ~~furnished to any practitioner authorized to write a prescription for~~  
16 ~~controlled substances classified in Schedule II. The Department of~~  
17 ~~Justice may charge a fee for the prescription blanks sufficient to~~  
18 ~~reimburse the department for the actual costs associated with the~~  
19 ~~preparation, processing, and filing of any forms issued pursuant to~~  
20 ~~this section. The prescription blanks shall not be transferable. Any~~  
21 ~~person possessing a triplicate prescription blank otherwise than as~~  
22 ~~provided in this section is guilty of a misdemeanor.~~

23     ~~(b) When a practitioner is named in a warrant of arrest or is~~  
24 ~~charged in an accusatory pleading with a felony violation of~~  
25 ~~Section 11153, 11154, 11156, 11157, 11170, 11173, 11350, 11351,~~  
26 ~~11352, 11353, 11353.5, 11377, 11378, 11378.5, 11379, 11379.5,~~  
27 ~~or 11379.6, the court in which the accusatory pleading is filed or~~  
28 ~~the magistrate who issued the warrant of arrest shall, upon the~~  
29 ~~motion of a law enforcement agency which is supported by~~  
30 ~~reasonable cause, issue an order which requires the practitioner to~~  
31 ~~surrender to the clerk of the court all triplicate prescription blanks~~  
32 ~~in the practitioner's possession at a time set in the order and shall~~  
33 ~~direct the Department of Justice to withhold prescription blanks~~  
34 ~~from the practitioner. The law enforcement agency obtaining the~~  
35 ~~order shall notify the Department of Justice of this order. Except~~  
36 ~~as provided in subdivisions (c) and (f) of this section, the order~~  
37 ~~shall remain in effect until further order of the court. Any~~

1 practitioner possessing prescription blanks in violation of the  
2 order is guilty of a misdemeanor.

3 ~~(c) The order provided by subdivision (b) shall be vacated if the~~  
4 ~~court or magistrate finds that the underlying violation or violations~~  
5 ~~are not supported by reasonable cause at a hearing held within two~~  
6 ~~court days after the practitioner files and personally serves upon~~  
7 ~~the prosecuting attorney and the law enforcement agency that~~  
8 ~~obtained the order, a notice of motion to vacate the order with any~~  
9 ~~affidavits on which the practitioner relies. At the hearing, the~~  
10 ~~burden of proof, by a preponderance of the evidence, is on the~~  
11 ~~prosecution. Evidence presented at the hearing shall be limited to~~  
12 ~~the warrant of arrest with supporting affidavits, the motion to~~  
13 ~~require the defendant to surrender all triplicate prescription blanks~~  
14 ~~with supporting affidavits, the sworn complaint together with any~~  
15 ~~documents or reports incorporated by reference thereto which, if~~  
16 ~~based on information and belief, state the basis for the information,~~  
17 ~~or any other documents of similar reliability as well as affidavits~~  
18 ~~and counter affidavits submitted by the prosecution and defense.~~  
19 ~~Granting of the motion to vacate the order is no bar to prosecution~~  
20 ~~of the alleged violation or violations.~~

21 ~~(d) The defendant may elect to challenge the order issued under~~  
22 ~~subdivision (b) at the preliminary examination. At that hearing, the~~  
23 ~~evidence shall be limited to that set forth in subdivision (c) and any~~  
24 ~~other evidence otherwise admissible at the preliminary~~  
25 ~~examination.~~

26 ~~(e) If the practitioner has not moved to vacate the order issued~~  
27 ~~under subdivision (b) by the time of the preliminary examination~~  
28 ~~and he or she is held to answer on the underlying violation or~~  
29 ~~violations, the practitioner shall be precluded from afterwards~~  
30 ~~moving to vacate the order. If the defendant is not held to answer~~  
31 ~~on the underlying charge or charges at the conclusion of the~~  
32 ~~preliminary examination, the order issued under subdivision (b)~~  
33 ~~shall be vacated.~~

34 ~~(f) Notwithstanding subdivision (e), any practitioner who is~~  
35 ~~diverted pursuant to Chapter 2.5 (commencing with Section 1000)~~  
36 ~~of Title 7 of Part 2 of the Penal Code may file a motion to vacate~~  
37 ~~the order issued under subdivision (b).~~

38 ~~(g) This section shall become inoperative on July 1, 2004, and,~~  
39 ~~as of January 1, 2005, is repealed.~~

1   ~~SEC. 3. Section 11162.5 of the Health and Safety Code is~~  
2   ~~amended to read:~~

3   ~~11162.5. (a) Every person who counterfeits a prescription~~  
4   ~~blank purporting to be an official prescription blank prepared and~~  
5   ~~issued pursuant to Section 11161, or knowingly possesses more~~  
6   ~~than three such counterfeited prescription blanks, shall be~~  
7   ~~punished by imprisonment in the state prison or by imprisonment~~  
8   ~~in the county jail for not more than one year.~~

9   ~~(b) Every person who knowingly possesses three or fewer~~  
10   ~~counterfeited prescription blanks purporting to be official~~  
11   ~~prescription blanks prepared and issued pursuant to Section 11161,~~  
12   ~~shall be guilty of a misdemeanor punishable by imprisonment in~~  
13   ~~the county jail not exceeding six months, or by a fine not exceeding~~  
14   ~~one thousand dollars (\$1,000), or by both.~~

15   ~~(c) This section shall become inoperative on July 1, 2004, and,~~  
16   ~~as of January 1, 2005, is repealed.~~

17   ~~SEC. 4. Section 11164 of the Health and Safety Code is~~  
18   ~~amended to read:~~

19   ~~11164. Except as provided in Section 11167, no person shall~~  
20   ~~prescribe a controlled substance, nor shall any person fill,~~  
21   ~~compound, or dispense a prescription for a controlled substance~~  
22   ~~unless it complies with the requirements of this section.~~

23   ~~(a) The signature on each prescription for a controlled~~  
24   ~~substance classified in Schedule II shall be wholly written in ink~~  
25   ~~or indelible pencil in the handwriting of the prescriber upon the~~  
26   ~~official prescription form issued by the Department of Justice.~~  
27   ~~Each prescription shall be prepared in triplicate, signed by the~~  
28   ~~prescriber, and shall contain, either typewritten or handwritten by~~  
29   ~~the prescriber or his or her employee, the date, name, and address~~  
30   ~~of the person for whom the controlled substance is prescribed, the~~  
31   ~~name, quantity, and strength of the controlled substance~~  
32   ~~prescribed, directions for use, and the address, category of~~  
33   ~~professional licensure, and the federal controlled substance~~  
34   ~~registration number of the prescriber. The original and duplicate~~  
35   ~~of the prescription shall be delivered to the pharmacist filling the~~  
36   ~~prescription. The duplicate shall be retained by the pharmacist and~~  
37   ~~the original, properly endorsed by the pharmacist with the name~~  
38   ~~and address of the pharmacy, the pharmacy's state license number,~~  
39   ~~the date the prescription was filled and the signature of the~~  
40   ~~pharmacist, shall be transmitted to the Department of Justice at the~~

1 end of the month in which the prescription was filled. Upon receipt  
2 of an incompletely prepared official prescription form of the  
3 Department of Justice, the pharmacist may enter on the face of the  
4 prescription the address of the patient. A pharmacist may fill a  
5 prescription for a controlled substance classified in Schedule II  
6 containing an error or errors, if the pharmacist notifies the  
7 prescriber of the error or errors and the prescriber approves any  
8 correction. The prescriber shall fax or mail a corrected  
9 prescription to the pharmacist within seven days of the  
10 prescription being dispensed.

11 (b) Each prescription for a controlled substance classified in  
12 Schedule III, IV, or V, except as authorized by subdivision (c),  
13 shall be subject to the following requirements:

14 (1) The prescription shall be signed and dated by the prescriber  
15 and shall contain the name of the person for whom the controlled  
16 substance is prescribed, the name and quantity of the controlled  
17 substance prescribed, and directions for use. With respect to  
18 prescriptions for controlled substances classified in Schedules III  
19 and IV, the signature, date, and information required by this  
20 paragraph shall be wholly written in ink or indelible pencil in the  
21 handwriting of the prescriber.

22 (2) In addition, the prescription shall contain the name,  
23 address, telephone number, category of professional licensure, and  
24 federal controlled substance registration number of the prescriber.  
25 The information required by this paragraph shall be either  
26 preprinted upon the prescription blank, typewritten, rubber  
27 stamped, or printed by hand. Notwithstanding any provision in this  
28 section, the prescriber's address, telephone number, category of  
29 professional licensure, or federal controlled substances  
30 registration number need not appear on the prescription if that  
31 information is readily retrievable in the pharmacy.

32 (3) The prescription shall also contain the address of the person  
33 for whom the controlled substance is prescribed. If the prescriber  
34 does not specify this address on the prescription, the pharmacist  
35 filling the prescription or an employee acting under the direction  
36 of the pharmacist shall write or type the address on the prescription  
37 or maintain this information in a readily retrievable form in the  
38 pharmacy.

39 (c) Any controlled substance classified in Schedule III, IV, or  
40 V may be dispensed upon an oral or electronically transmitted

1 ~~prescription, which shall be reduced to writing by the pharmacist~~  
2 ~~filling the prescription or by any other person expressly authorized~~  
3 ~~by provisions of the Business and Professions Code. The date of~~  
4 ~~issue of the prescription and all the information required for a~~  
5 ~~written prescription by subdivision (b) shall be included in the~~  
6 ~~written record of the prescription. The pharmacist need not reduce~~  
7 ~~to writing the address, telephone number, license classification, or~~  
8 ~~federal registry number of the prescriber or the address of the~~  
9 ~~patient if that information is readily retrievable in the pharmacy.~~  
10 ~~Pursuant to authorization of the prescriber, any employee of the~~  
11 ~~prescriber on behalf of the prescriber may orally or electronically~~  
12 ~~transmit a prescription for a controlled substance classified in~~  
13 ~~Schedule III, IV, or V, if in these cases the written record of the~~  
14 ~~prescription required by this subdivision specifies the name of the~~  
15 ~~employee of the prescriber transmitting the prescription.~~

16 ~~(d) The use of commonly used abbreviations shall not~~  
17 ~~invalidate an otherwise valid prescription.~~

18 ~~(e) Notwithstanding any provision of subdivisions (b) and (c),~~  
19 ~~prescriptions for a controlled substance classified in Schedule V~~  
20 ~~may be for more than one person in the same family with the same~~  
21 ~~medical need.~~

22 ~~(f) In addition to the prescriber's record required by Section~~  
23 ~~11190, any practitioner dispensing a controlled substance~~  
24 ~~classified in Schedule II in accordance with subdivision (b) of~~  
25 ~~Section 11158 shall prepare a written record thereof on the official~~  
26 ~~forms issued by the Department of Justice, pursuant to Section~~  
27 ~~11161, and shall transmit the original to the Department of Justice~~  
28 ~~in accordance with any rules that the department may adopt for~~  
29 ~~completion and transmittal of the forms.~~

30 ~~(g) This section shall become inoperative on July 1, 2004, and,~~  
31 ~~as of January 1, 2005, is repealed.~~

32 ~~SEC. 5.— Section 11164 is added to the Health and Safety Code,~~  
33 ~~to read:~~

34 ~~11164.— Except as provided in Section 11167, no person shall~~  
35 ~~prescribe a controlled substance, nor shall any person fill,~~  
36 ~~compound, or dispense a prescription for a controlled substance~~  
37 ~~unless it complies with the requirements of this section.~~

38 ~~(a) Each prescription for a controlled substance classified in~~  
39 ~~Schedule II, III, IV, or V shall be written on a secure forgery~~  
40 ~~resistant prescription paper.~~



1 ~~(b) Both the prescription paper and the vendor producing that~~  
2 ~~paper shall meet specified criteria established by the appropriate~~  
3 ~~state board.~~

4 ~~(c) This section shall become operative on July 1, 2004.~~

5 ~~SEC. 6. Section 11165 of the Health and Safety Code is~~  
6 ~~amended to read:~~

7 ~~11165. (a) To assist law enforcement and regulatory agencies~~  
8 ~~in their efforts to control the diversion and resultant abuse of~~  
9 ~~Schedule II controlled substances, and for statistical analysis,~~  
10 ~~education, and research, the Department of Justice shall,~~  
11 ~~contingent upon the availability of adequate funds from the~~  
12 ~~Contingent Fund of the Medical Board of California, the~~  
13 ~~Pharmacy Board Contingent Fund, the State Dentistry Fund, and~~  
14 ~~the Osteopathic Medical Board of California Contingent Fund,~~  
15 ~~establish the Controlled Substance Utilization Review and~~  
16 ~~Evaluation System (CURES) for the electronic monitoring of the~~  
17 ~~prescribing and dispensing of Schedule II controlled substances by~~  
18 ~~all practitioners authorized to prescribe or dispense these~~  
19 ~~controlled substances. CURES shall be implemented as a pilot~~  
20 ~~project, commencing on July 1, 1997, to be administered~~  
21 ~~concurrently with the existing triplicate prescription process, to~~  
22 ~~examine the comparative efficiencies between the two systems.~~

23 ~~(b) The CURES pilot project shall operate under existing~~  
24 ~~provisions of law to safeguard the privacy and confidentiality of~~  
25 ~~patients. Data obtained from CURES shall only be provided to~~  
26 ~~appropriate state, local, and federal persons or public agencies for~~  
27 ~~disciplinary, civil, or criminal purposes and to other agencies or~~  
28 ~~entities, as determined by the Department of Justice, for the~~  
29 ~~purpose of educating practitioners and others in lieu of~~  
30 ~~disciplinary, civil, or criminal actions. Data may be provided to~~  
31 ~~public or private entities, as approved by the Department of~~  
32 ~~Justice, for educational, peer review, statistical, or research~~  
33 ~~purposes, provided that patient information, including any~~  
34 ~~information that may identify the patient, is not compromised.~~  
35 ~~Further, data disclosed to any individual or agency as described in~~  
36 ~~this subdivision, shall not be disclosed, sold, or transferred to any~~  
37 ~~third party.~~

38 ~~SEC. 7. Section 11165.1 of the Health and Safety Code is~~  
39 ~~amended to read:~~



~~11165.1. (a) (1) A licensed health care practitioner eligible to obtain triplicate prescription forms pursuant to Section 11161 or a pharmacist may make a written request for, and the Department of Justice may release to that practitioner or pharmacist, the history of controlled substances dispensed to an individual under his or her care based on data contained in CURES.~~

~~(2) Any request for, or release of, a controlled substance history pursuant to this section shall be made in accordance with guidelines developed by the Department of Justice.~~

~~(b) In order to prevent the inappropriate, improper, or illegal use of Schedule II controlled substances, the Department of Justice may initiate the referral of the history of controlled substances dispensed to an individual based on data contained in CURES to licensed health care practitioners, pharmacists, or both, providing care or services to the individual.~~

~~(c) The history of controlled substances dispensed to an individual based on data contained in CURES that is received by a practitioner or pharmacist from the Department of Justice pursuant to this section shall be considered medical information subject to the provisions of the Confidentiality of Medical Information Act contained in Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code.~~

~~(d) This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed.~~

~~SEC. 8. Section 11165.1 is added to the Health and Safety Code, to read:~~

~~11165.1. (a) (1) A licensed health care practitioner authorized to write a prescription for controlled substances classified in Schedule II or a pharmacist may make a written request for, and the Department of Justice may release to that practitioner or pharmacist, the history of controlled substances dispensed to an individual under his or her care based on data contained in CURES.~~

~~(2) Any request for, or release of, a controlled substance history pursuant to this section shall be made in accordance with guidelines developed by the Department of Justice.~~

~~(b) In order to prevent the inappropriate, improper, or illegal use of Schedule II controlled substances, the Department of Justice may initiate the referral of the history of controlled substances~~

1 dispensed to an individual based on data contained in CURES to  
2 licensed health care practitioners, pharmacists, or both, providing  
3 care or services to the individual.

4 ~~(c) The history of controlled substances dispensed to an~~  
5 ~~individual based on data contained in CURES that is received by~~  
6 ~~a practitioner or pharmacist from the Department of Justice~~  
7 ~~pursuant to this section shall be considered medical information~~  
8 ~~subject to the provisions of the Confidentiality of Medical~~  
9 ~~Information Act contained in Part 2.6 (commencing with Section~~  
10 ~~56) of Division 1 of the Civil Code.~~

11 ~~(d) This section shall become operative on July 1, 2004, and~~  
12 ~~shall become inoperative on July 1, 2008, and, as of January 1,~~  
13 ~~2009, is repealed, unless a later enacted statute that is enacted~~  
14 ~~before January 1, 2009, deletes or extends the dates on which it~~  
15 ~~becomes inoperative and is repealed.~~

16 ~~SEC. 9. Section 11167 of the Health and Safety Code is~~  
17 ~~amended to read:~~

18 ~~11167. Notwithstanding subdivision (a) of Section 11164, in~~  
19 ~~an emergency where failure to issue a prescription may result in~~  
20 ~~loss of life or intense suffering, an order for a Schedule II~~  
21 ~~controlled substance may be dispensed on an oral, written, or~~  
22 ~~electronic data transmission order, subject to all of the following~~  
23 ~~requirements:~~

24 ~~(a) The order contains all information required by subdivision~~  
25 ~~(a) of Section 11164.~~

26 ~~(b) Any written order is signed and dated by the prescriber in~~  
27 ~~indelible pencil or ink, and the pharmacy reduces any oral or~~  
28 ~~electronic data transmission order to writing prior to actually~~  
29 ~~dispensing the controlled substance.~~

30 ~~(c) The prescriber provides a triplicate prescription, completed~~  
31 ~~as provided by subdivision (a) of Section 11164, by the seventh~~  
32 ~~day following the transmission of the initial order; a postmark by~~  
33 ~~the seventh day following transmission of the initial order shall~~  
34 ~~constitute compliance.~~

35 ~~(d) If the prescriber fails to comply with subdivision (c), the~~  
36 ~~pharmacy shall so notify the Bureau of Narcotic Enforcement in~~  
37 ~~writing within 144 hours of the prescriber's failure to do so and~~  
38 ~~shall make and retain a written, readily retrievable record of the~~  
39 ~~prescription, including the date and method of notification of the~~  
40 ~~Bureau of Narcotic Enforcement.~~

1 ~~(c) This section shall become inoperative on July 1, 2004, and,~~  
2 ~~as of January 1, 2005, is repealed.~~

3 ~~SEC. 10. Section 11167 is added to the Health and Safety~~  
4 ~~Code, to read:~~

5 ~~11167. Notwithstanding subdivision (a) of Section 11164, in~~  
6 ~~an emergency where failure to issue a prescription may result in~~  
7 ~~loss of life or intense suffering, an order for a Schedule II~~  
8 ~~controlled substance may be dispensed on an oral, written, or~~  
9 ~~electronic data transmission order, subject to all of the following~~  
10 ~~requirements:~~

11 ~~(a) The order contains all information required by subdivision~~  
12 ~~(a) of Section 11164.~~

13 ~~(b) Any written order is signed and dated by the prescriber in~~  
14 ~~indelible pencil or ink, and the pharmacy reduces any oral or~~  
15 ~~electronic data transmission order to writing prior to actually~~  
16 ~~dispensing the controlled substance.~~

17 ~~(c) This section shall become operative on July 1, 2004.~~

18 ~~SEC. 11. Section 11167.5 of the Health and Safety Code is~~  
19 ~~amended to read:~~

20 ~~11167.5. (a) An order for a controlled substance classified in~~  
21 ~~Schedule II in a licensed skilled nursing facility, an intermediate~~  
22 ~~care facility, or a licensed home health agency providing hospice~~  
23 ~~care may be dispensed upon an oral or electronically transmitted~~  
24 ~~prescription. Prior to filling the prescription, the pharmacist shall~~  
25 ~~reduce it to writing in ink or indelible pencil in the handwriting of~~  
26 ~~the pharmacist upon an official prescription form issued by the~~  
27 ~~Department of Justice for that purpose. The prescriptions shall be~~  
28 ~~prepared in triplicate and shall contain the date the prescription~~  
29 ~~was orally or electronically transmitted by the prescriber, the name~~  
30 ~~of the person for whom the prescription was authorized, the name~~  
31 ~~and address of the licensed facility or home health agency~~  
32 ~~providing hospice care in which that person is a patient, the name~~  
33 ~~and quantity of the controlled substance prescribed, the directions~~  
34 ~~for use, and the name, address, category of professional licensure,~~  
35 ~~and federal controlled substance registration number of the~~  
36 ~~prescriber. The duplicate shall be retained by the pharmacist, and~~  
37 ~~the triplicate shall be forwarded to the prescriber by the end of the~~  
38 ~~month in which the prescription was issued. The original shall be~~  
39 ~~properly endorsed by the pharmacist with the pharmacy's state~~  
40 ~~license number, the signature of the pharmacist, the name and~~

~~address of the pharmacy, and the signature of the person who received the controlled substances for the licensed facility or home health agency providing hospice care and shall be forwarded by the pharmacist to the Department of Justice at the end of the month in which the prescription was filled. A skilled nursing facility, intermediate care facility, or licensed home health agency providing hospice care shall forward to the dispensing pharmacist a copy of any signed telephone orders, chart orders, or related documentation substantiating each oral or electronically transmitted prescription transaction under this section.~~

~~(b) For the purposes of this section, “hospice care” means interdisciplinary health care which is designed to alleviate the physical, emotional, social, and spiritual discomforts of an individual who is experiencing the last phases of a terminal disease and to provide supportive care for the primary care person and the family of the patient under hospice care.~~

~~(c) This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed.~~

~~SEC. 12.~~

*SECTION 1. This act shall be known as, and may be cited as, “The Pain Treatment and Drug Diversion Prevention Act of 2003.”*

*SEC. 2. Section 11029.5 is added to the Health and Safety Code, to read:*

*11029.5. “Security printer” means a person approved to produce controlled substance prescription forms pursuant to Section 11161.5.*

*SEC. 3. Section 11159.2 of the Health and Safety Code is amended to read:*

*11159.2. (a) Notwithstanding any other provision of law, a prescription for a Schedule II controlled substance for use by a patient who has a terminal illness shall not be subject to Section 11164.*

*(b) (1) The prescription shall be signed and dated by the prescriber and shall contain the name of the person for whom the controlled substance is prescribed, the name and quantity of the controlled substance prescribed, and directions for use. The signature, date, and information required by this paragraph shall be wholly written in ink or indelible pencil in the handwriting of the prescriber.*

(2) The prescription shall also contain the address of the person for whom the controlled substance is prescribed, as provided in paragraph (3) of subdivision (b) of Section 11164, and shall contain the name, address, telephone number, category of professional licensure, and federal controlled substance registration number of the prescriber, as provided in paragraph (2) of subdivision (b) of Section 11164.

(3) The prescription shall also indicate that the prescriber has certified that the patient is terminally ill by the words “11159.2 exemption.”

(c) A pharmacist may fill a prescription pursuant to this section when there is a technical error in the certification required by paragraph (3) of subdivision (b), provided that he or she has personal knowledge of the patient’s terminal illness, and subsequently returns the prescription to the prescriber for correction within 72 hours.

(d) For purposes of this section, “terminally ill” means a patient who meets all of the following conditions:

(1) In the reasonable medical judgment of the prescribing physician, the patient has been determined to be suffering from an illness that is incurable and irreversible.

(2) In the reasonable medical judgment of the prescribing physician, the patient’s illness will, if the illness takes its normal course, bring about the death of the patient within a period of one year.

(3) The patient’s treatment by the physician prescribing a Schedule II controlled substance pursuant to this section primarily is for the control of pain, symptom management, or both, rather than for cure of the illness.

*(e) This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed.*

*SEC. 4. Section 11161 of the Health and Safety Code is amended to read:*

11161. (a) Prescription blanks shall be issued by the Department of Justice in serially numbered groups of not more than 100 forms each in triplicate unless a practitioner orally, electronically, or in writing requests a larger amount, and shall be furnished to any practitioner authorized to write a prescription for controlled substances classified in Schedule II. The Department of Justice may charge a fee for the prescription blanks sufficient to

1 reimburse the department for the actual costs associated with the  
2 preparation, processing, and filing of any forms issued pursuant to  
3 this section. The prescription blanks shall not be transferable. Any  
4 person possessing a triplicate prescription blank otherwise than as  
5 provided in this section is guilty of a misdemeanor.

6 (b) When a practitioner is named in a warrant of arrest or is  
7 charged in an accusatory pleading with a felony violation of  
8 Section 11153, 11154, 11156, 11157, 11170, 11173, 11350, 11351,  
9 11352, 11353, 11353.5, 11377, 11378, 11378.5, 11379, 11379.5,  
10 or 11379.6, the court in which the accusatory pleading is filed or  
11 the magistrate who issued the warrant of arrest shall, upon the  
12 motion of a law enforcement agency which is supported by  
13 reasonable cause, issue an order which requires the practitioner to  
14 surrender to the clerk of the court all triplicate prescription blanks  
15 in the practitioner's possession at a time set in the order and shall  
16 direct the Department of Justice to withhold prescription blanks  
17 from the practitioner. The law enforcement agency obtaining the  
18 order shall notify the Department of Justice of this order. Except  
19 as provided in subdivisions (c) and (f) of this section, the order  
20 shall remain in effect until further order of the court. Any  
21 practitioner possessing prescription blanks in violation of the  
22 order is guilty of a misdemeanor.

23 (c) The order provided by subdivision (b) shall be vacated if the  
24 court or magistrate finds that the underlying violation or violations  
25 are not supported by reasonable cause at a hearing held within two  
26 court days after the practitioner files and personally serves upon  
27 the prosecuting attorney and the law enforcement agency that  
28 obtained the order, a notice of motion to vacate the order with any  
29 affidavits on which the practitioner relies. At the hearing, the  
30 burden of proof, by a preponderance of the evidence, is on the  
31 prosecution. Evidence presented at the hearing shall be limited to  
32 the warrant of arrest with supporting affidavits, the motion to  
33 require the defendant to surrender all triplicate prescription blanks  
34 with supporting affidavits, the sworn complaint together with any  
35 documents or reports incorporated by reference thereto which, if  
36 based on information and belief, state the basis for the information,  
37 or any other documents of similar reliability as well as affidavits  
38 and counter affidavits submitted by the prosecution and defense.  
39 Granting of the motion to vacate the order is no bar to prosecution  
40 of the alleged violation or violations.

(d) The defendant may elect to challenge the order issued under subdivision (b) at the preliminary examination. At that hearing, the evidence shall be limited to that set forth in subdivision (c) and any other evidence otherwise admissible at the preliminary examination.

(e) If the practitioner has not moved to vacate the order issued under subdivision (b) by the time of the preliminary examination and he or she is held to answer on the underlying violation or violations, the practitioner shall be precluded from afterwards moving to vacate the order. If the defendant is not held to answer on the underlying charge or charges at the conclusion of the preliminary examination, the order issued under subdivision (b) shall be vacated.

(f) Notwithstanding subdivision (e), any practitioner who is diverted pursuant to Chapter 2.5 (commencing with Section 1000) of Title 7 of Part 2 of the Penal Code may file a motion to vacate the order issued under subdivision (b).

(g) *This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed.*

SEC. 5. *Section 11161 is added to the Health and Safety Code, to read:*

11161. (a) *When a practitioner is named in a warrant of arrest or is charged in an accusatory pleading with a felony violation of Section 11153, 11154, 11156, 11157, 11170, 11173, 11350, 11351, 11352, 11353, 11353.5, 11377, 11378, 11378.5, 11379, 11379.5, or 11379.6, the court in which the accusatory pleading is filed or the magistrate who issued the warrant of arrest shall, upon the motion of a law enforcement agency which is supported by reasonable cause, issue an order which requires the practitioner to surrender to the clerk of the court all triplicate prescription blanks or controlled substance prescription forms in the practitioner's possession at a time set in the order and shall direct the Department of Justice and the Board of Pharmacy to withhold controlled substance prescription forms from the practitioner. The law enforcement agency obtaining the order shall notify the Department of Justice and the Board of Pharmacy of this order. Except as provided in subdivisions (b) and (e) of this section, the order shall remain in effect until further order of the court. Any practitioner possessing prescription blanks in violation of the order is guilty of a misdemeanor.*



1     (b) *The order provided by subdivision (a) shall be vacated if the*  
2 *court or magistrate finds that the underlying violation or*  
3 *violations are not supported by reasonable cause at a hearing held*  
4 *within two court days after the practitioner files and personally*  
5 *serves upon the prosecuting attorney and the law enforcement*  
6 *agency that obtained the order; a notice of motion to vacate the*  
7 *order with any affidavits on which the practitioner relies. At the*  
8 *hearing, the burden of proof, by a preponderance of the evidence,*  
9 *is on the prosecution. Evidence presented at the hearing shall be*  
10 *limited to the warrant of arrest with supporting affidavits, the*  
11 *motion to require the defendant to surrender all triplicate*  
12 *prescription blanks or controlled substance prescription forms*  
13 *with supporting affidavits, the sworn complaint together with any*  
14 *documents or reports incorporated by reference thereto which, if*  
15 *based on information and belief, state the basis for the*  
16 *information, or any other documents of similar reliability as well*  
17 *as affidavits and counter affidavits submitted by the prosecution*  
18 *and defense. Granting of the motion to vacate the order is no bar*  
19 *to prosecution of the alleged violation or violations.*

20     (c) *The defendant may elect to challenge the order issued under*  
21 *subdivision (a) at the preliminary examination. At that hearing,*  
22 *the evidence shall be limited to that set forth in subdivision (b) and*  
23 *any other evidence otherwise admissible at the preliminary*  
24 *examination.*

25     (d) *If the practitioner has not moved to vacate the order issued*  
26 *under subdivision (a) by the time of the preliminary examination*  
27 *and he or she is held to answer on the underlying violation or*  
28 *violations, the practitioner shall be precluded from afterwards*  
29 *moving to vacate the order. If the defendant is not held to answer*  
30 *on the underlying charge or charges at the conclusion of the*  
31 *preliminary examination, the order issued under subdivision (a)*  
32 *shall be vacated.*

33     (e) *Notwithstanding subdivision (d), any practitioner who is*  
34 *diverted pursuant to Chapter 2.5 (commencing with Section 1000)*  
35 *of Title 7 of Part 2 of the Penal Code may file a motion to vacate*  
36 *the order issued under subdivision (a).*

37     (f) *This section shall become operative on July 1, 2004.*

38     SEC. 6. *Section 11161.5 is added to the Health and Safety*  
39 *Code, to read:*

1 11161.5. (a) *Prescription forms for controlled substance*  
2 *prescriptions shall be obtained from security printers approved by*  
3 *the Board of Pharmacy.*

4 (b) *The Board of Pharmacy may approve security printer*  
5 *applications after the applicant has provided the following*  
6 *information:*

7 (1) *Name, address, and telephone number of the applicant.*

8 (2) *Policies and procedures of the applicant for verifying the*  
9 *identity of the prescriber ordering controlled substance*  
10 *prescription forms.*

11 (3) *Policies and procedures of the applicant for verifying*  
12 *delivery of controlled substance prescription forms to prescribers.*

13 (4) (A) *The location, names, and titles of the applicant's agent*  
14 *for service of process in this state; all principal corporate officers,*  
15 *if any; and all managing general partners, if any.*

16 (B) *A report containing this information shall be made on an*  
17 *annual basis and within 30 days after any change of office,*  
18 *principal corporate officers, or managing general partner.*

19 (5) (A) *A signed statement indicating whether the applicant,*  
20 *principal corporate officers, or managing general partners have*  
21 *ever been convicted of, or pled no contest to, a violation of any law*  
22 *of a foreign country, the United States, or any state, or of any local*  
23 *ordinance.*

24 (B) *The applicant shall also provide fingerprints, in a manner*  
25 *specified by the Board of Pharmacy, for the purpose of completing*  
26 *state and federal criminal background checks.*

27 (c) *Prior to approving a security printer application, the Board*  
28 *of Pharmacy shall submit a copy of the application to the*  
29 *Department of Justice; the Department of Justice may, within 30*  
30 *calendar days of receipt of the application from the Board of*  
31 *Pharmacy, deny the security printer application.*

32 (d) *The Board of Pharmacy or the Department of Justice may*  
33 *deny a security printer application on any of the following*  
34 *grounds:*

35 (1) *The applicant has been convicted of a crime. A conviction*  
36 *within the meaning of this paragraph means a plea or verdict of*  
37 *guilty or a conviction following a plea of nolo contendere. Any*  
38 *action which a board is permitted to take following the*  
39 *establishment of a conviction may be taken when the time for*  
40 *appeal has elapsed, the judgment of conviction has been affirmed*

1 on appeal, or when an order granting probation is made  
2 suspending the imposition of sentence, irrespective of a subsequent  
3 order under the provisions of Section 1203.4 of the Penal Code.

4 (2) The applicant committed any act involving dishonesty,  
5 fraud, or deceit with the intent to substantially benefit himself or  
6 another, or substantially injure another.

7 (3) The applicant committed any act that would constitute a  
8 violation of this division.

9 (4) The applicant knowingly made a false statement of fact  
10 required to be revealed in the application to produce controlled  
11 substance prescription forms.

12 (5) The Board of Pharmacy or Department of Justice  
13 determines that the applicant failed to demonstrate adequate  
14 security procedures relating to the production and distribution of  
15 controlled substance prescription forms.

16 (6) The Board of Pharmacy or Department of Justice  
17 determines that the applicant has submitted an incomplete  
18 application.

19 (e) The Board of Pharmacy shall maintain a list of approved  
20 security printers and the Board of Pharmacy shall make this  
21 information available to prescribers.

22 (f) Before printing any controlled substance prescription  
23 forms, a security printer shall verify with the appropriate licensing  
24 board that the prescriber possesses a license and current  
25 prescribing privileges which permits the prescribing of controlled  
26 substances.

27 (g) Controlled substance prescription forms shall be provided  
28 directly to the prescriber either in person, by certified mail, or by  
29 a means that requires a signature signifying receipt of the package  
30 and provision of that signature to the security printer.

31 (h) Security printers shall retain ordering and delivery records  
32 in a readily retrievable manner for individual prescribers for three  
33 years.

34 (i) Security printers shall produce ordering and delivery  
35 records upon request by an authorized officer of the law as defined  
36 in Section 4017 of the Business and Professions Code.

37 (j) (1) The Board of Pharmacy or the Department of Justice  
38 may revoke its approval of a security printer for a violation of this  
39 division or action that would permit a denial pursuant to  
40 subdivision (c) of this section.

1 (2) When the Board of Pharmacy or the Department of Justice  
2 revokes its approval, it shall notify the appropriate licensing  
3 boards and remove the security printer from the list of approved  
4 security printers.

5 (k) Security printer applicants may appeal a denial or  
6 revocation by the Board of Pharmacy to the full board in a public  
7 meeting of the Board of Pharmacy.

8 SEC. 7. Section 11161.7 is added to the Health and Safety  
9 Code, to read:

10 11161.7. (a) When a prescriber's authority to prescribe  
11 controlled substances is restricted by civil, criminal, or  
12 administrative action, or by an order of the court issued pursuant  
13 to Section 11161, the law enforcement agency or licensing board  
14 that sought the restrictions shall provide the name, category of  
15 licensure, license number, and the nature of the restrictions  
16 imposed on the prescriber to security printers and the Board of  
17 Pharmacy.

18 (b) The Board of Pharmacy shall make available the  
19 information required by subdivision (a) to pharmacies and  
20 security printers to prevent the dispensing of controlled substance  
21 prescriptions issued by the prescriber and the ordering of  
22 additional controlled substance prescription forms by the  
23 restricted prescriber.

24 SEC. 8. Section 11162 of the Health and Safety Code is  
25 amended to read:

26 11162. (a) The prescription blanks shall be printed on  
27 distinctive paper, the serial number of the group being shown on  
28 each form, and each form being serially numbered. The  
29 prescription blanks shall bear the preprinted name, address, and  
30 category of professional licensure of the practitioner to whom they  
31 are issued, and the federal registry number for controlled  
32 substances.

33 (b) This section shall become inoperative on July 1, 2004, and,  
34 as of January 1, 2005, is repealed.

35 SEC. 9. Section 11162.1 is added to the Health and Safety  
36 Code, to read:

37 11162.1. (a) The prescription forms for controlled substances  
38 shall be printed with the following features:

39 (1) A latent, repetitive "void" pattern shall be printed across  
40 the entire front of the prescription blank; if a prescription is

1 scanned or photocopied, the word “void” shall appear in a pattern  
2 across the entire front of the prescription.

3 (2) A watermark shall be printed on the backside of the  
4 prescription blank; the watermark shall consist of the words  
5 “California Security Prescription.”

6 (3) A chemical void protection that prevents alteration by  
7 chemical washing.

8 (4) A feature printed in thermo-chromic ink.

9 (5) An area of opaque writing so that the writing disappears if  
10 the prescription is lightened.

11 (6) A description of the security features included on each  
12 prescription form.

13 (7) (A) Six quantity check off boxes shall be printed on the form  
14 and the following quantities shall appear:

15 1-24

16 25-49

17 50-74

18 75-100

19 101-150 151 and over.

20 (B) In conjunction with the quantity boxes, a space shall be  
21 provided to designate the units referenced in the quantity boxes  
22 when the drug is not in tablet or capsule form.

23 (8) Prescription blanks shall either (A) contain a statement  
24 printed on the bottom of the prescription blank that the  
25 “Prescription is void if more than one controlled substance  
26 prescription is written per blank” or (B) contain a space for the  
27 prescriber to specify the number of drugs prescribed on the  
28 prescription and a statement printed on the bottom of the  
29 prescription blank that the “Prescription is void if the number of  
30 drugs prescribed is not noted.”

31 (9) The preprinted name, category of licensure, license number,  
32 and federal controlled substance registration number of the  
33 prescribing practitioner.

34 (10) A check box indicating the prescriber’s order not to  
35 substitute.

36 (b) Each batch of controlled substance prescription forms shall  
37 have the lot number printed on the form and each form within that  
38 batch shall be numbered sequentially beginning with the numeral  
39 one.

1 (c) (1) A prescriber designated by a licensed health care  
2 facility may order controlled substance prescription forms for use  
3 by prescribers when treating patients in that facility without the  
4 information required in paragraph (9) of subdivision (a).

5 (2) Forms ordered pursuant to this subdivision shall have the  
6 name, category of licensure, license number and federal controlled  
7 substance registration number of the designated prescriber and  
8 the name, address, category of licensure and license number of the  
9 licensed health care facility preprinted on the form.

10 (3) Forms ordered pursuant to this section shall not be valid  
11 prescriptions without the name, category of licensure, license  
12 number, and federal controlled substance registration number of  
13 the prescriber on the form.

14 (4) (A) The designated prescriber shall maintain a record of  
15 the prescribers to whom controlled substance prescription forms  
16 are issued.

17 (B) The record shall include the name, category of licensure,  
18 license number, federal controlled substance registration number,  
19 and the quantity of controlled substance prescription forms issued  
20 to each prescriber; the record shall be maintained in the health  
21 facility for three years.

22 (d) This section shall become operative on July 1, 2004.

23 SEC. 10. Section 11162.6 is added to the Health and Safety  
24 Code, to read:

25 11162.6. (a) Every person who counterfeits a controlled  
26 substance prescription form shall be guilty of a misdemeanor  
27 punishable by imprisonment in a county jail for not more than one  
28 year, by a fine not exceeding one thousand dollars (\$1,000), or by  
29 both that imprisonment and fine.

30 (b) Every person who knowingly possesses a counterfeited  
31 controlled substance prescription form shall be guilty of a  
32 misdemeanor punishable by imprisonment in a county jail not  
33 exceeding six months, or by a fine not exceeding one thousand  
34 dollars (\$1,000), or by both that imprisonment and fine.

35 (c) Every person who attempts to obtain or obtains a controlled  
36 substance prescription form under false pretenses shall be guilty  
37 of a misdemeanor punishable by imprisonment in a county jail not  
38 exceeding six months, by a fine not exceeding one thousand dollars  
39 (\$1,000), or by both that imprisonment and fine.



1 (d) Every person who fraudulently produces controlled  
2 substance prescription forms shall be guilty of a misdemeanor  
3 punishable by imprisonment in a county jail not exceeding six  
4 months, by a fine not exceeding one thousand dollars (\$1,000), or  
5 by both that imprisonment and fine.

6 (e) This section shall become operative on July 1, 2004.

7 SEC. 11. Section 11164 of the Health and Safety Code is  
8 amended to read:

9 11164. Except as provided in Section 11167, no person shall  
10 prescribe a controlled substance, nor shall any person fill,  
11 compound, or dispense a prescription for a controlled substance  
12 unless it complies with the requirements of this section.

13 (a) The signature on each prescription for a controlled  
14 substance classified in Schedule II shall be wholly written in ink  
15 or indelible pencil in the handwriting of the prescriber upon the  
16 official prescription form issued by the Department of Justice.  
17 Each prescription shall be prepared in triplicate, signed by the  
18 prescriber, and shall contain, either typewritten or handwritten by  
19 the prescriber or his or her employee, the date, name, and address  
20 of the person for whom the controlled substance is prescribed, the  
21 name, quantity, and strength of the controlled substance  
22 prescribed, directions for use, and the address, category of  
23 professional licensure, and the federal controlled substance  
24 registration number of the prescriber. The original and duplicate  
25 of the prescription shall be delivered to the pharmacist filling the  
26 prescription. The duplicate shall be retained by the pharmacist and  
27 the original, properly endorsed by the pharmacist with the name  
28 and address of the pharmacy, the pharmacy's state license number,  
29 the date the prescription was filled and the signature of the  
30 pharmacist, shall be transmitted to the Department of Justice at the  
31 end of the month in which the prescription was filled. Upon receipt  
32 of an incompletely prepared official prescription form of the  
33 Department of Justice, the pharmacist may enter on the face of the  
34 prescription the address of the patient. A pharmacist may fill a  
35 prescription for a controlled substance classified in Schedule II  
36 containing an error or errors, if the pharmacist notifies the  
37 prescriber of the error or errors and the prescriber approves any  
38 correction. The prescriber shall fax or mail a corrected  
39 prescription to the pharmacist within seven days of the  
40 prescription being dispensed.



(b) Each prescription for a controlled substance classified in Schedule III, IV, or V, except as authorized by subdivision (c), shall be subject to the following requirements:

(1) The prescription shall be signed and dated by the prescriber and shall contain the name of the person for whom the controlled substance is prescribed, the name and quantity of the controlled substance prescribed, and directions for use. With respect to prescriptions for controlled substances classified in Schedules III and IV, the signature, date, and information required by this paragraph shall be wholly written in ink or indelible pencil in the handwriting of the prescriber.

(2) In addition, the prescription shall contain the name, address, telephone number, category of professional licensure, and federal controlled substance registration number of the prescriber. The information required by this paragraph shall be either preprinted upon the prescription blank, typewritten, rubber stamped, or printed by hand. Notwithstanding any provision in this section, the prescriber's address, telephone number, category of professional licensure, or federal controlled substances registration number need not appear on the prescription if that information is readily retrievable in the pharmacy.

(3) The prescription shall also contain the address of the person for whom the controlled substance is prescribed. If the prescriber does not specify this address on the prescription, the pharmacist filling the prescription or an employee acting under the direction of the pharmacist shall write or type the address on the prescription or maintain this information in a readily retrievable form in the pharmacy.

(c) Any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be reduced to writing by the pharmacist filling the prescription or by any other person expressly authorized by provisions of the Business and Professions Code. The date of issue of the prescription and all the information required for a written prescription by subdivision (b) shall be included in the written record of the prescription. The pharmacist need not reduce to writing the address, telephone number, license classification, or federal registry number of the prescriber or the address of the patient if that information is readily retrievable in the pharmacy. Pursuant to authorization of the prescriber, any employee of the

1 prescriber on behalf of the prescriber may orally or electronically  
2 transmit a prescription for a controlled substance classified in  
3 Schedule III, IV, or V, if in these cases the written record of the  
4 prescription required by this subdivision specifies the name of the  
5 employee of the prescriber transmitting the prescription.

6 (d) The use of commonly used abbreviations shall not  
7 invalidate an otherwise valid prescription.

8 (e) Notwithstanding any provision of subdivisions (b) and (c),  
9 prescriptions for a controlled substance classified in Schedule V  
10 may be for more than one person in the same family with the same  
11 medical need.

12 (f) In addition to the prescriber's record required by Section  
13 11190, any practitioner dispensing a controlled substance  
14 classified in Schedule II in accordance with subdivision (b) of  
15 Section 11158 shall prepare a written record thereof on the official  
16 forms issued by the Department of Justice, pursuant to Section  
17 11161, and shall transmit the original to the Department of Justice  
18 in accordance with any rules that the department may adopt for  
19 completion and transmittal of the forms.

20 (g) *This section shall become inoperative on July 1, 2004, and,*  
21 *as of January 1, 2005, is repealed.*

22 *SEC. 12. Section 11164 is added to the Health and Safety*  
23 *Code, to read:*

24 *11164. Except as provided in Section 11167, no person shall*  
25 *prescribe a controlled substance, nor shall any person fill,*  
26 *compound, or dispense a prescription for a controlled substance*  
27 *unless it complies with the requirements of this section.*

28 (a) (1) *The signature on each prescription for a controlled*  
29 *substance classified in Schedule II shall be wholly written in ink*  
30 *in the handwriting of the prescriber upon the official prescription*  
31 *form issued by the Department of Justice or on a controlled*  
32 *substance prescription form that meets the requirements of Section*  
33 *11162.1.*

34 (2) *Each prescription shall be signed by the prescriber and*  
35 *shall contain, either typewritten or handwritten by the prescriber*  
36 *or his or her agent, the date, name, and address of the person for*  
37 *whom the controlled substance is prescribed; the name, quantity,*  
38 *strength of the controlled substance prescribed, and directions for*  
39 *use; and the address, category of professional licensure, and*  
40 *federal controlled substance registration number of the prescriber.*

(3) If the prescriber uses an official prescription form issued by the Department of Justice, the original and duplicate of the prescription shall be delivered to the pharmacist filling the prescription; the duplicate shall be retained by the pharmacist and the original, properly endorsed by the pharmacist with the name and address of the pharmacy, the pharmacy's state license number, the date the prescription was filled and the signature of the pharmacist, shall be transmitted to the Department of Justice at the end of the month in which the prescription was filled.

(4) Upon receipt of an incompletely prepared official prescription form of the Department of Justice, the pharmacist may enter on the face of the prescription the address of the patient.

(5) A pharmacist may fill a prescription for a controlled substance classified in Schedule II containing an error or errors, if the pharmacist notifies the prescriber of the error or errors and the prescriber approves any correction; the prescriber shall fax or mail a corrected prescription to the pharmacist within seven days of the prescription being dispensed.

(b) Each prescription for a controlled substance classified in Schedule III, IV, or V, except as authorized by subdivision (c), shall be subject to the following requirements:

(1) The prescription shall be signed and dated by the prescriber and shall contain the name of the person for whom the controlled substance is prescribed, the name and quantity of the controlled substance prescribed, and directions for use. With respect to prescriptions for controlled substances classified in Schedules III and IV, the signature and date shall be written in ink in the handwriting of the prescriber.

(2) (A) In addition, the prescription shall contain the name, address, telephone number, category of professional licensure, and federal controlled substance registration number of the prescriber.

(B) The information required by this paragraph shall be either preprinted upon the prescription blank, typewritten, rubber stamped, or printed by hand.

(C) Notwithstanding any provision in this section, the prescriber's address, telephone number, category of professional licensure, or federal controlled substances registration number need not appear on the prescription if that information is readily retrievable in the pharmacy.

1     (3) *The prescription shall also contain the address of the person*  
2 *for whom the controlled substance is prescribed; if the prescriber*  
3 *does not specify this address on the prescription, the pharmacist*  
4 *filling the prescription or an employee acting under the direction*  
5 *of the pharmacist shall write or type the address on the*  
6 *prescription or maintain this information in a readily retrievable*  
7 *form in the pharmacy.*

8     (c) (1) *Any controlled substance classified in Schedule III, IV,*  
9 *or V may be dispensed upon an oral or electronically transmitted*  
10 *prescription, which shall be produced in hard copy form and*  
11 *signed and dated by the pharmacist filling the prescription or by*  
12 *any other person expressly authorized by provisions of the*  
13 *Business and Professions Code.*

14     (2) *The date of issue of the prescription and all the information*  
15 *required for a written prescription by subdivision (b) shall be*  
16 *included in the written record of the prescription; the pharmacist*  
17 *need not include the address, telephone number, license*  
18 *classification, or federal registry number of the prescriber or the*  
19 *address of the patient if that information is readily retrievable in*  
20 *the pharmacy.*

21     (3) *Pursuant to an authorization of the prescriber, any agent of*  
22 *the prescriber on behalf of the prescriber may orally or*  
23 *electronically transmit a prescription for a controlled substance*  
24 *classified in Schedule III, IV, or V, if in these cases the hard copy*  
25 *record of the prescription required by this subdivision specifies the*  
26 *name of the agent of the prescriber transmitting the prescription.*

27     (d) *The use of commonly used abbreviations shall not*  
28 *invalidate an otherwise valid prescription.*

29     (e) *Notwithstanding subdivisions (b) and (c), prescriptions for*  
30 *a controlled substance classified in Schedule V may be for more*  
31 *than one person in the same family with the same medical need.*

32     (f) (1) *Notwithstanding any other provision of law, a*  
33 *prescription for a controlled substance issued by a prescriber in*  
34 *another state for delivery to a patient in another state may be*  
35 *dispensed by a California pharmacy if the prescription conforms*  
36 *with the requirements for controlled substance prescriptions in the*  
37 *state in which the controlled substance was prescribed.*

38     (2) *All prescriptions for Schedule II controlled substances*  
39 *dispensed pursuant to this subdivision shall be reported by the*

1 *dispensing pharmacy to the Department of Justice in the manner*  
2 *prescribed by subdivision (d) of Section 11165.*

3 *(g) Pharmacies may dispense prescriptions for Schedule III,*  
4 *Schedule IV, and Schedule V controlled substances from*  
5 *out-of-state prescribers pursuant to Section 4005 of the Business*  
6 *and Professions Code and Section 1717 of Title 16 of the*  
7 *California Code of Regulations.*

8 *(h) This section shall become operative on July 1, 2004, and*  
9 *shall remain in effect only until January 1, 2005, and as of that date*  
10 *is repealed.*

11 *SEC. 13. Section 11164 is added to the Health and Safety*  
12 *Code, to read:*

13 *11164. Except as provided in Section 11167, no person shall*  
14 *prescribe a controlled substance, nor shall any person fill,*  
15 *compound, or dispense a prescription for a controlled substance*  
16 *unless it complies with the requirements of this section.*

17 *(a) Each prescription for a controlled substance classified in*  
18 *Schedule II, III, IV, or V, except as authorized by subdivision (b),*  
19 *shall be made on a controlled substance prescription form as*  
20 *specified in Section 11162.1 and shall meet the following*  
21 *requirements:*

22 *(1) The prescription shall be signed and dated by the prescriber*  
23 *in ink and shall contain the prescriber's address and telephone*  
24 *number; the name of the person for whom the controlled substance*  
25 *is prescribed; and the name, quantity, strength, and directions for*  
26 *use of the controlled substance prescribed.*

27 *(2) The prescription shall also contain the address of the person*  
28 *for whom the controlled substance is prescribed. If the prescriber*  
29 *does not specify this address on the prescription, the pharmacist*  
30 *filling the prescription or an employee acting under the direction*  
31 *of the pharmacist shall write or type the address on the*  
32 *prescription or maintain this information in a readily retrievable*  
33 *form in the pharmacy.*

34 *(b) (1) Any controlled substance classified in Schedule III, IV,*  
35 *or V may be dispensed upon an oral or electronically transmitted*  
36 *prescription, which shall be produced in hard copy form and*  
37 *signed and dated by the pharmacist filling the prescription or by*  
38 *any other person expressly authorized by provisions of the*  
39 *Business and Professions Code.*

1     (2) *The date of issue of the prescription and all the information*  
2 *required for a written prescription by subdivision (a) shall be*  
3 *included in the written record of the prescription; the pharmacist*  
4 *need not include the address, telephone number, license*  
5 *classification, or federal registry number of the prescriber or the*  
6 *address of the patient on the hard copy if that information is readily*  
7 *retrievable in the pharmacy.*

8     (3) *Pursuant to an authorization of the prescriber, any agent of*  
9 *the prescriber on behalf of the prescriber may orally or*  
10 *electronically transmit a prescription for a controlled substance*  
11 *classified in Schedule III, IV, or V, if in these cases the written*  
12 *record of the prescription required by this subdivision specifies the*  
13 *name of the agent of the prescriber transmitting the prescription.*

14     (c) *The use of commonly used abbreviations shall not*  
15 *invalidate an otherwise valid prescription.*

16     (d) *Notwithstanding any provision of subdivisions (a) and (b),*  
17 *prescriptions for a controlled substance classified in Schedule V*  
18 *may be for more than one person in the same family with the same*  
19 *medical need.*

20     (e) (1) *Notwithstanding any other provision of law, a*  
21 *prescription for a controlled substance issued by a prescriber in*  
22 *another state for delivery to a patient in another state may be*  
23 *dispensed by a California pharmacy if the prescription conforms*  
24 *with the requirements for controlled substance prescriptions in the*  
25 *state in which the controlled substance was prescribed.*

26     (2) *All prescriptions for Schedule II and Schedule III controlled*  
27 *substances dispensed pursuant to this subdivision shall be*  
28 *reported by the dispensing pharmacy to the Department of Justice*  
29 *in the manner prescribed by subdivision (d) of Section 11165.*

30     (f) *Pharmacies may dispense prescriptions for Schedule III,*  
31 *Schedule IV, and Schedule V controlled substances from*  
32 *out-of-state prescribers pursuant to Section 4005 of the Business*  
33 *and Professions Code and Section 1717 of Title 16 of the*  
34 *California Code of Regulations.*

35     (g) *This section shall become operative on January 1, 2005.*

36     SEC. 14. *Section 11165 of the Health and Safety Code is*  
37 *amended to read:*

38     11165. (a) *To assist law enforcement and regulatory agencies*  
39 *in their efforts to control the diversion and resultant abuse of*  
40 *Schedule II and Schedule III controlled substances, and for*



1 statistical analysis, education, and research, the Department of  
 2 Justice shall, contingent upon the availability of adequate funds  
 3 from the Contingent Fund of the Medical Board of California, the  
 4 Pharmacy Board Contingent Fund, the State Dentistry Fund, and  
 5 the Osteopathic Medical Board of California Contingent Fund,  
 6 ~~establish~~ *maintain* the Controlled Substance Utilization Review  
 7 and Evaluation System (CURES) for the electronic monitoring of  
 8 the prescribing and dispensing of Schedule II *and Schedule III*  
 9 controlled substances by all practitioners authorized to prescribe  
 10 or dispense these controlled substances. ~~CURES shall be~~  
 11 ~~implemented as a pilot project, commencing on July 1, 1997, to be~~  
 12 ~~administered concurrently with the existing triplicate prescription~~  
 13 ~~process, to examine the comparative efficiencies between the two~~  
 14 ~~systems.~~

15 (b) ~~The~~ *If funds in excess of that appropriated for CURES in*  
 16 *the 2002–03 Budget Act are required to accommodate the*  
 17 *reporting of Schedule III controlled substance prescriptions, the*  
 18 *reporting of Schedule III controlled substance prescriptions shall*  
 19 *be contingent upon the availability of adequate funds from sources*  
 20 *other than those appropriated for the support of CURES in the*  
 21 *2002–03 Budget Act.*

22 (c) ~~CURES pilot project~~ shall operate under existing provisions  
 23 of law to safeguard the privacy and confidentiality of patients.  
 24 Data obtained from CURES shall only be provided to appropriate  
 25 state, local, and federal persons or public agencies for disciplinary,  
 26 civil, or criminal purposes and to other agencies or entities, as  
 27 determined by the Department of Justice, for the purpose of  
 28 educating practitioners and others in lieu of disciplinary, civil, or  
 29 criminal actions. Data may be provided to public or private  
 30 entities, as approved by the Department of Justice, for educational,  
 31 peer review, statistical, or research purposes, provided that patient  
 32 information, including any information that may identify the  
 33 patient, is not compromised. Further, data disclosed to any  
 34 individual or agency as described in this subdivision, shall not be  
 35 disclosed, sold, or transferred to any third party.

36 (e) ~~This section shall become inoperative on July 1, 2008, and,~~  
 37 ~~as of January 1, 2009, is repealed, unless a later enacted statute,~~  
 38 ~~that becomes operative on or before January 1, 2009, deletes or~~  
 39 ~~extends the dates on which it becomes inoperative and is repealed.~~



1 (d) For each prescription for a Schedule II controlled  
2 substance, the dispensing pharmacy shall provide the following  
3 information to the Department of Justice in a frequency and format  
4 specified by the Department of Justice:

5 (1) Full name, address, gender, and date of birth of the patient.

6 (2) The prescriber's category of licensure and license number;  
7 federal controlled substance registration number; and the state  
8 medical license number of any prescriber using the federal  
9 controlled substance registration number of a government-exempt  
10 facility.

11 (3) Pharmacy prescription number, license number, and  
12 federal controlled substance registration number.

13 (4) NDC (National Drug Code) number of the controlled  
14 substance dispensed.

15 (5) Quantity of the controlled substance dispensed.

16 (6) ICD-9 (diagnosis code), if available.

17 (7) Date of issue of the prescription.

18 (8) Date of dispensing of the prescription.

19 (e) This section shall remain in effect only until January 1,  
20 2005, and as of that date is repealed.

21 SEC. 15. Section 11165 is added to the Health and Safety  
22 Code, to read:

23 11165. (a) To assist law enforcement and regulatory agencies  
24 in their efforts to control the diversion and resultant abuse of  
25 Schedule II and Schedule III controlled substances, and for  
26 statistical analysis, education, and research, the Department of  
27 Justice shall, contingent upon the availability of adequate funds  
28 from the Contingent Fund of the Medical Board of California, the  
29 Pharmacy Board Contingent Fund, the State Dentistry Fund, and  
30 the Osteopathic Medical Board of California Contingent Fund,  
31 maintain the Controlled Substance Utilization Review and  
32 Evaluation System (CURES) for the electronic monitoring of the  
33 prescribing and dispensing of Schedule II and Schedule III  
34 controlled substances by all practitioners authorized to prescribe  
35 or dispense these controlled substances.

36 (b) If funds in excess of that appropriated for CURES in the  
37 Budget Act are required to accommodate the reporting of Schedule  
38 III controlled substance prescriptions, the reporting of Schedule  
39 III controlled substance prescriptions shall be contingent upon the

1 availability of adequate funds from sources other than those  
2 appropriated for the support of CURES in the Budget Act.

3 (c) CURES shall operate under existing provisions of law to  
4 safeguard the privacy and confidentiality of patients. Data  
5 obtained from CURES shall only be provided to appropriate state,  
6 local, and federal persons or public agencies for disciplinary,  
7 civil, or criminal purposes and to other agencies or entities, as  
8 determined by the Department of Justice, for the purpose of  
9 educating practitioners and others in lieu of disciplinary, civil, or  
10 criminal actions. Data may be provided to public or private  
11 entities, as approved by the Department of Justice, for  
12 educational, peer review, statistical, or research purposes,  
13 provided that patient information, including any information that  
14 may identify the patient, is not compromised. Further, data  
15 disclosed to any individual or agency as described in this  
16 subdivision, shall not be disclosed, sold, or transferred to any third  
17 party.

18 (d) For each prescription for a Schedule II or Schedule III  
19 controlled substance, the dispensing pharmacy shall provide the  
20 following information to the Department of Justice in a frequency  
21 and format specified by the Department of Justice:

22 (1) Full name, address, gender, and date of birth of the patient.

23 (2) The prescriber's category of licensure and license number;  
24 federal controlled substance registration number; and the state  
25 medical license number of any prescriber using the federal  
26 controlled substance registration number of a government-exempt  
27 facility.

28 (3) Pharmacy prescription number, license number, and  
29 federal controlled substance registration number.

30 (4) NDC (National Drug Code) number of the controlled  
31 substance dispensed.

32 (5) Quantity of the controlled substance dispensed.

33 (6) ICD-9 (diagnosis code), if available.

34 (7) Date of issue of the prescription.

35 (8) Date of dispensing of the prescription.

36 (e) This section shall become operative on January 1, 2005.

37 SEC. 16. Section 11165.1 of the Health and Safety Code is  
38 amended to read:

39 11165.1. (a) (1) A licensed health care practitioner eligible  
40 to obtain triplicate prescription forms pursuant to Section 11161

1 *prescribe Schedule II or Schedule III controlled substances* or a  
2 pharmacist may make a written request for, and the Department of  
3 Justice may release to that practitioner or pharmacist, the history  
4 of controlled substances dispensed to an individual under his or her  
5 care based on data contained in CURES.

6 (2) Any request for, or release of, a controlled substance history  
7 pursuant to this section shall be made in accordance with  
8 guidelines developed by the Department of Justice.

9 (b) In order to prevent the inappropriate, improper, or illegal  
10 use of Schedule II *or Schedule III* controlled substances, the  
11 Department of Justice may initiate the referral of the history of  
12 controlled substances dispensed to an individual based on data  
13 contained in CURES to licensed health care practitioners,  
14 pharmacists, or both, providing care or services to the individual.

15 (c) The history of controlled substances dispensed to an  
16 individual based on data contained in CURES that is received by  
17 a practitioner or pharmacist from the Department of Justice  
18 pursuant to this section shall be considered medical information  
19 subject to the provisions of the Confidentiality of Medical  
20 Information Act contained in Part 2.6 (commencing with Section  
21 56) of Division 1 of the Civil Code.

22 ~~(d) This section shall become inoperative on July 1, 2008, and,~~  
23 ~~as of January 1, 2009, is repealed, unless a later enacted statute that~~  
24 ~~is enacted before January 1, 2009, deletes or extends the dates on~~  
25 ~~which it becomes inoperative and is repealed.~~

26 *SEC. 17. Section 11166 of the Health and Safety Code is*  
27 *amended to read:*

28 11166. No person shall fill a prescription for a controlled  
29 substance ~~classified in Schedule II 14 or more days~~ after *six*  
30 *months has elapsed from* the date written on the prescription by the  
31 prescriber. No person shall knowingly fill a mutilated or forged or  
32 altered prescription for a controlled substance except for the  
33 addition of the address of the person for whom the controlled  
34 substance is prescribed as provided by paragraph (3) of  
35 subdivision (b) of Section 11164.

36 *SEC. 18. Section 11167 of the Health and Safety Code is*  
37 *amended to read:*

38 11167. Notwithstanding subdivision (a) of Section 11164, in  
39 an emergency where failure to issue a prescription may result in  
40 loss of life or intense suffering, an order for a Schedule II

1 controlled substance may be dispensed on an oral, written, or  
2 electronic data transmission order, subject to all of the following  
3 requirements:

4 (a) The order contains all information required by subdivision  
5 (a) of Section 11164.

6 (b) Any written order is signed and dated by the prescriber in  
7 indelible pencil or ink, and the pharmacy reduces any oral or  
8 electronic data transmission order to writing prior to actually  
9 dispensing the controlled substance.

10 (c) The prescriber provides a triplicate prescription, completed  
11 as provided by subdivision (a) of Section 11164, by the seventh  
12 day following the transmission of the initial order; a postmark by  
13 the seventh day following transmission of the initial order shall  
14 constitute compliance.

15 (d) If the prescriber fails to comply with subdivision (c), the  
16 pharmacy shall so notify the Bureau of Narcotic Enforcement in  
17 writing within 144 hours of the prescriber's failure to do so and  
18 shall make and retain a written, readily retrievable record of the  
19 prescription, including the date and method of notification of the  
20 Bureau of Narcotic Enforcement.

21 (e) *This section shall become inoperative on July 1, 2004, and,*  
22 *as of January 1, 2005, is repealed.*

23 *SEC. 19. Section 11167 is added to the Health and Safety*  
24 *Code, to read:*

25 *11167. Notwithstanding subdivision (a) of Section 11164, in*  
26 *an emergency where failure to issue a prescription may result in*  
27 *loss of life or intense suffering, an order for a Schedule II*  
28 *controlled substance may be dispensed on an oral, written, or*  
29 *electronic data transmission order, subject to all of the following*  
30 *requirements:*

31 (a) *The order contains all information required by subdivision*  
32 *(a) of Section 11164.*

33 (b) *Any written order is signed and dated by the prescriber in*  
34 *ink, and the pharmacy reduces any oral or electronic data*  
35 *transmission order to hard copy form prior to dispensing the*  
36 *controlled substance.*

37 (c) *The prescriber provides a written prescription on a*  
38 *triplicate prescription form or a controlled substance prescription*  
39 *form that meets the requirements of Section 11162.1, by the seventh*  
40 *day following the transmission of the initial order; a postmark by*

1 *the seventh day following transmission of the initial order shall*  
2 *constitute compliance.*

3 *(d) If the prescriber fails to comply with subdivision (c), the*  
4 *pharmacy shall so notify the Bureau of Narcotic Enforcement in*  
5 *writing within 144 hours of the prescriber's failure to do so and*  
6 *shall make and retain a hard copy, readily retrievable record of the*  
7 *prescription, including the date and method of notification of the*  
8 *Bureau of Narcotic Enforcement.*

9 *(e) This section shall become operative on July 1, 2004 and*  
10 *shall remain in effect until January 1, 2005 at which time it is*  
11 *repealed.*

12 *SEC. 20. Section 11167 is added to the Health and Safety*  
13 *Code, to read:*

14 *11167. Notwithstanding subdivision (a) of Section 11164, in*  
15 *an emergency where failure to issue a prescription may result in*  
16 *loss of life or intense suffering, an order for a controlled substance*  
17 *may be dispensed on an oral, written, or electronic data*  
18 *transmission order, subject to all of the following requirements:*

19 *(a) The order contains all information required by subdivision*  
20 *(a) of Section 11164.*

21 *(b) Any written order is signed and dated by the prescriber in*  
22 *ink, and the pharmacy reduces any oral or electronic data*  
23 *transmission order to hard copy form prior to dispensing the*  
24 *controlled substance.*

25 *(c) The prescriber provides a written prescription on a*  
26 *controlled substance prescription form that meets the*  
27 *requirements of Section 11162.1, by the seventh day following the*  
28 *transmission of the initial order; a postmark by the seventh day*  
29 *following transmission of the initial order shall constitute*  
30 *compliance.*

31 *(d) If the prescriber fails to comply with subdivision (c), the*  
32 *pharmacy shall so notify the Bureau of Narcotic Enforcement in*  
33 *writing within 144 hours of the prescriber's failure to do so and*  
34 *shall make and retain a hard copy, readily retrievable record of the*  
35 *prescription, including the date and method of notification of the*  
36 *Bureau of Narcotic Enforcement.*

37 *(e) This section shall become operative on January 1, 2005.*

38 *SEC. 21. Section 11167.5 of the Health and Safety Code is*  
39 *amended to read:*

11167.5. (a) An order for a controlled substance classified in Schedule II in a licensed skilled nursing facility, an intermediate care facility, or a licensed home health agency providing hospice care may be dispensed upon an oral or electronically transmitted prescription. Prior to filling the prescription, the pharmacist shall reduce it to writing in ink or indelible pencil in the handwriting of the pharmacist upon an official prescription form issued by the Department of Justice for that purpose. The prescriptions shall be prepared in triplicate and shall contain the date the prescription was orally or electronically transmitted by the prescriber, the name of the person for whom the prescription was authorized, the name and address of the licensed facility or home health agency providing hospice care in which that person is a patient, the name and quantity of the controlled substance prescribed, the directions for use, and the name, address, category of professional licensure, and federal controlled substance registration number of the prescriber. The duplicate shall be retained by the pharmacist, and the triplicate shall be forwarded to the prescriber by the end of the month in which the prescription was issued. The original shall be properly endorsed by the pharmacist with the pharmacy's state license number, the signature of the pharmacist, the name and address of the pharmacy, and the signature of the person who received the controlled substances for the licensed facility or home health agency providing hospice care and shall be forwarded by the pharmacist to the Department of Justice at the end of the month in which the prescription was filled. A skilled nursing facility, intermediate care facility, or licensed home health agency providing hospice care shall forward to the dispensing pharmacist a copy of any signed telephone orders, chart orders, or related documentation substantiating each oral or electronically transmitted prescription transaction under this section.

(b) For the purposes of this section, "hospice care" means interdisciplinary health care which is designed to alleviate the physical, emotional, social, and spiritual discomforts of an individual who is experiencing the last phases of a terminal disease and to provide supportive care for the primary care person and the family of the patient under hospice care.

(c) *This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed.*



1 SEC. 22. Section 11167.5 is added to the Health and Safety  
2 Code, to read:

3 11167.5. (a) An order for a controlled substance classified in  
4 Schedule II for a patient of a licensed skilled nursing facility, a  
5 licensed intermediate care facility, a licensed home health agency,  
6 or a licensed hospice may be dispensed upon an oral or  
7 electronically transmitted prescription. If the prescription is  
8 transmitted orally, the pharmacist shall, prior to filling the  
9 prescription, reduce the prescription to writing in ink in the  
10 handwriting of the pharmacist on a form developed by the  
11 pharmacy for this purpose. If the prescription is transmitted  
12 electronically, the pharmacist shall, prior to filling the  
13 prescription, produce, sign, and date a hardcopy prescription. The  
14 prescriptions shall contain the date the prescription was orally or  
15 electronically transmitted by the prescriber, the name of the person  
16 for whom the prescription was authorized, the name and address  
17 of the licensed skilled nursing facility, licensed intermediate care  
18 facility, licensed home health agency, or licensed hospice in which  
19 that person is a patient, the name and quantity of the controlled  
20 substance prescribed, the directions for use, and the name,  
21 address, category of professional licensure, and federal controlled  
22 substance registration number of the prescriber. The original shall  
23 be properly endorsed by the pharmacist with the pharmacy's state  
24 license number, the name and address of the pharmacy, and the  
25 signature of the person who received the controlled substances for  
26 the licensed skilled nursing facility, licensed intermediate care  
27 facility, licensed home health agency, or licensed hospice. A  
28 licensed skilled nursing facility, a licensed intermediate care  
29 facility, a licensed home health agency, or a licensed hospice shall  
30 forward to the dispensing pharmacist a copy of any signed  
31 telephone orders, chart orders, or related documentation  
32 substantiating each oral or electronically transmitted prescription  
33 transaction under this section.

34 (b) This section shall become operative on July 1, 2004.

35 SEC. 23. Section 11168 of the Health and Safety Code is  
36 amended to read:

37 11168. (a) The prescription book containing the prescriber's  
38 copies of prescriptions issued shall be retained by the prescriber  
39 which shall be preserved for three years.



1     **(b)** *This section shall remain in effect only until January 1,*  
2 *2008, and as of that date is repealed.*

3     **SEC. 24.** Section 11169 of the Health and Safety Code is  
4 amended to read:

5     11169. (a) When codeine, or dihydrocodeinone or tincture  
6 opii camphorata (paregoric) is not combined with other medicinal  
7 ingredients, it shall be prescribed on the official triplicate blanks.

8     (b) This section shall become inoperative on July 1, 2004, and,  
9 as of January 1, 2005, is repealed.

10    ~~SEC. 13.~~

11    **SEC. 25.** No reimbursement is required by this act pursuant  
12 to Section 6 of Article XIII B of the California Constitution  
13 because the only costs that may be incurred by a local agency or  
14 school district will be incurred because this act creates a new crime  
15 or infraction, eliminates a crime or infraction, or changes the  
16 penalty for a crime or infraction, within the meaning of Section  
17 17556 of the Government Code, or changes the definition of a  
18 crime within the meaning of Section 6 of Article XIII B of the  
19 California Constitution.

